

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 04-2161

Docketed: 04/29/2004

Nature of Suit: 3791 Employee Retirement

Termed: 04/14/2005

Romero, et al v. Allstate Corp, et al

Appeal From: United States District Court for the Eastern District of Pennsylvania

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) Federal question

Originating Court Information:

District: 0313-2 : [2-01-cv-06764](#)

Court Reporter: Michael Hearn

District Judge: John P. Fullam, U.S. District Judge

Date Filed: 12/20/2001

Date Order/Judgment:
03/31/2004

Date Order/Judgment EOD:
03/31/2004

Date NOA Filed:
04/27/2004

Prior Cases:

None

Current Cases:

None

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ADMINISTRATIVE COMMITTEE, IN ITS
CAPACITY AS ADMINISTRATOR OF
THE AGENTS PENSION PLAN
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CRAIG K. CREASE; SYLVIA CREWS-KELLY;
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RONALD W. HARPER; MICHAEL P. KEARNEY;
THOMAS A. KEARNEY; LARRY H. LANKFORD, SR.;
DAVID C. LAWSON; NATHAN R. LITTLEJOHN, II;
REBECCA R. MASLOWSKI; CRAIG A. MILLISON;
JAMES E. MOOREHEAD; EDWARD T.
MURRAY, III; CAROLYN L. PENZO;
CHRISTOPHER L. PERKINS; RICHARD E. PETERSON;
JAMES P. PILCHAK; PAULA REINERIO; PAULA M. SCHOTT;
DONALD L. TRGOVICH; RICHARD S. WANDNER;
TIMOTHY WEISMAN; ERNIE P. WENDT;
ANTHONY T. WIKTOR; JOHN W. WITTMAN;
RALPH J. WOLVERTON,

Appellants

v.

THE ALLSTATE CORPORATION;
ALLSTATE INSURANCE COMPANY;
AGENTS PENSION PLAN; ADMINISTRATIVE COMMITTEE,
IN ITS CAPACITY AS ADMINISTRATOR OF
THE AGENTS PENSION PLAN

04/29/2004	CIVIL CASE DOCKETED. Notice filed by Gene Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, David C. Lawson, Nathan R. Littlejohn, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Edward T. Murray, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman and Ralph J. Wolverton. (CMD) [Entered: 04/29/2004 09:54 AM]
05/10/2004	APPEARANCE from Attorney Michael J. Wilson on behalf of Appellants Gene Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, David C. Lawson, Nathan R. Littlejohn, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Edward T. Murray, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman and Ralph J. Wolverton, filed. (CMD) [Entered: 05/12/2004 08:31 AM]
05/10/2004	DISCLOSURE STATEMENT on behalf of Appellant Gene Romero, Appellants James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R.

	Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, David C. Lawson, Nathan R. Littlejohn, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Edward T. Murray, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman and Ralph J. Wolverton, filed. (CMD) [Entered: 05/12/2004 08:40 AM]
05/10/2004	INFORMATION STATEMENT on behalf of Appellants Gene Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, David C. Lawson, Nathan R. Littlejohn, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Edward T. Murray, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman and Ralph J. Wolverton, received. (CMD) [Entered: 05/12/2004 08:44 AM]
05/10/2004	TRANSCRIPT PURCHASE ORDER (PART I), no proceedings in District Court. (CMD) [Entered: 05/12/2004 08:48 AM]
05/10/2004	APPEARANCE from Attorney Richard C. Godfrey on behalf of Appellees Allstate Corp, Allstate Ins Co, Agents Pension Plan and Admn Comm, filed. (CMD) [Entered: 05/12/2004 08:49 AM]
05/10/2004	APPEARANCE from Attorney Peter A. Bellacosa on behalf of Appellees Allstate Corp, Allstate Ins Co, Agents Pension Plan and Admn Comm, filed. (CMD) [Entered: 05/12/2004 08:53 AM]
05/10/2004	APPEARANCE from Attorney Katherine Menapace on behalf of Appellees Allstate Corp, Allstate Ins Co, Agents Pension Plan and Admn Comm, filed. (CMD) [Entered: 05/12/2004 08:56 AM]
05/10/2004	APPEARANCE from Attorney Edward F. Mannino on behalf of Appellees Allstate Corp, Allstate Ins Co, Agents Pension Plan and Admn Comm, filed. (CMD) [Entered: 05/12/2004 08:58 AM]
05/10/2004	DISCLOSURE STATEMENT on behalf of Appellee Allstate Corp, filed. (CMD) [Entered: 05/12/2004 08:59 AM]
05/10/2004	DISCLOSURE STATEMENT on behalf of Appellee Allstate Ins Co, filed. (CMD) [Entered: 05/12/2004 09:00 AM]

05/12/2004	FOLLOW UP LETTER to Michael J. Wilson requesting the following documents: **Concise Statement of Facts and Issues (CMD) [Entered: 05/12/2004 09:08 AM]
05/13/2004	CONCISE SUMMARY OF CASE on behalf of Appellants, received. (PAR) [Entered: 05/13/2004 06:17 PM]
05/19/2004	CERTIFIED LIST filed. (CMD) [Entered: 05/19/2004 08:53 AM]
05/19/2004	BRIEFING NOTICE ISSUED. Appellant brief and appendix due 6/28/04. (CMD) [Entered: 05/19/2004 08:54 AM]
06/02/2004	APPEARANCE from Attorney Daniel Wolf on behalf of Appellants Gene Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, David C. Lawson, Nathan R. Littlejohn, Rebecca R. Maslowski, Craig A. Millison, James E. Moorehead, Edward T. Murray, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman and Ralph J. Wolverton, filed. (CMD) [Entered: 06/07/2004 02:11 PM]
06/02/2004	APPEARANCE from Attorney Paul Anton Zevnik on behalf of Appellants Gene Romero, James T. Bever, Roger T. Boyd, Richard A. Carrier, Paul R. Cobb, Craig K. Crease, Sylvia Crews-Kelly, Dwight F. English, Douglas F. Gafner, Ronald W. Harper, Michael P. Kearney, Thomas A. Kearney, Larry H. Lankford, David C. Lawson, Nathan R. Littlejohn, Rebecca R. Craig A. Millison, James E. Moorehead, Edward T. Murray, Carolyn L. Penzo, Christopher L. Perkins, Richard E. Peterson, James P. Pilchak, Paula Reinerio, Paula M. Schott, Donald L. Trgovich, Richard S. Wandner, Timothy Weisman, Ernie P. Wendt, Anthony T. Wiktor, John W. Wittman and Ralph J. Wolverton, filed. (CMD) [Entered: 06/07/2004 02:23 PM]
06/25/2004	BRIEF/APPENDIX on behalf of Appellants. Pages: 35, Copies: 10, Word Count: 7,173, Delivered by Mail, filed. Certificate of service date 6/25/04. (EH) [Entered: 06/29/2004 01:39 PM]
06/25/2004	APPENDIX on behalf of Appellants. Copies: 4, Volumes: 2, (Vol. 1 attached to brief) Delivered by Mail, filed. Certificate of service date 6/25/04. (EH) [Entered: 06/29/2004 01:41 PM]
07/26/2004	BRIEF on behalf of Appellees. Pages: 36, Copies: 10, Word Count: 9,268, Delivered by Mail, filed. Certificate of service date 7/26/04. (EH) [Entered: 07/27/2004 03:25 PM]

08/09/2004	REPLY BRIEF on behalf of Appellants, Copies: 10, Delivered by mail, filed. Certificate of service date 8/9/04. (LAL) [Entered: 08/10/2004 08:03 AM]
08/10/2004	Notice of telephone request Michael J. Wilson, counsel for Appellants, requesting corrected color covers for Reply Brief (Grey). Response due in 3 days. (LAL) [Entered: 08/10/2004 08:04 AM]
08/10/2004	COMPLIANCE RECEIVED from Michael J. Wilson, counsel for Appellants, received corrected color covers for Reply Brief. (LAL) [Entered: 08/10/2004 02:44 PM]
11/19/2004	CALENDARED for Monday, January 24, 2005. (CLT) [Entered: 01/04/2005 07:59 AM]
01/24/2005	ARGUED Monday, January 24, 2005 Panel: Scirica, Chief Judge, Rendell and Fisher, Circuit Judges. Counsel for Appellants: Daniel Wolf and Counsel for Appellees: Peter A. Bellacosa. (CLT) [Entered: 01/24/2005 12:10 PM]
04/14/2005	PUBLISHED PRECEDENTIAL REPORTED OPINION (Chief Judge Scirica, Rendell and Fisher, Authoring Judge, Circuit Judges), filed. Total pages 26. (CMD) [Entered: 04/14/2005 08:27 AM]
04/14/2005	JUDGMENT, On consideration whereof, it is now hereby ADJUDGED and ORDERED that the order of the District Court entered March 31, 2004, be and the same is hereby REVERSED and the matter REMANDED for further proceedings. All of the above in accordance with the opinion of this Court. Costs taxed against Appellees, filed. (CMD) [Entered: 04/14/2005 08:32 AM]
04/28/2005	PETITION by Appellees for rehearing en banc, filed. Certificate of service dated 4/28/04. (TYW) [Entered: 05/02/2005 11:12 AM]
05/16/2005	ORDER (Scirica, Chief Judge, Sloviter, Nygaard, Alito, Roth, McKee, Rendell, Barry, Ambro, Fuentes, Smith, Fisher and Van Antwerpen, Circuit Judges) denying petition for en banc rehearing by Appellees, filed. (CH) [Entered: 05/16/2005 03:27 PM]
05/24/2005	MANDATE ISSUED, filed. (PDB) [Entered: 05/24/2005 08:41 AM]
05/24/2005	RECORD released. (PDB) [Entered: 05/24/2005 08:53 AM]